

Call to Order:

The meeting was called to order at 7:40 p.m. Present were Chairman, Paul Salafia, and members, Linn Anderson, Vincent Chiozzi, Joan Duff, John McDonnell (arrived at 7:45 p.m.) and associate member Mark Yanowitz; also present was Paul Materazzo, Director of Planning, Lisa Schwarz, Senior Planner and Jacki Byerley, Planner.

Minutes:

On a motion by Ms. Anderson seconded by Ms. Duff the Board voted to approve the minutes for May 28th and June 8, 2010. **Vote** Unanimous (4-0)

Other Planning Related Topics:

Mr. Materazzo gave an overview of a potential 2011 town meeting warrant article for an Elderly Housing/Assistant Living/Nursing Home Care Overlay District on River Road. Mr. Materazzo noted that it would change what's allowed in the SRC zoning in a specific area.

Chairman Salafia recused himself for the 39-47 High Street public hearings since this is his last meeting on the Board.

39-47 High Plain Road:

The Board opened the public hearings on an application by Scott Gibson for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with a 3-lot subdivision which consists of 2 existing lots that will be reconfigured and the creation of 1 new lot entitled 39-47 High Plain Road. Vice-Chairman Chiozzi gave an overview of the role of the Planning Board members and associate member, and noted that the associate member will become a full member of the Board by their next meeting; Mr. Chiozzi also reviewed the public hearing procedures. Jack McQuilkin of JM Associates representing the applicant gave an overview of the location of the project, existing conditions, topography, and noted there is no work within 100' of a wetland. He also reviewed the proposed utilities, driveway, and proposed stormwater management for the site. Mr. McQuilkin gave a handout to the Board dated July 21, 2010 outlining the revisions to the definitive subdivision plans. He also gave an overview of the existing drainage area and reviewed the proposed drainage system which will decrease the amount of run-off on site. Mr. McDonnell asked if the conventional subdivision requirements can be met. Attorney Mark Johnson representing the applicant noted that each lot meets the zoning requirements with the roadway being built to town standards. He also noted there are no Conservation issues, but the applicant has requested waivers to the roadway construction standards to build the roadway at 18'. Ms. Schwarz reviewed her memo to the Board dated July 20, 2010 including comments from the IDR conducted on July 13, 2010. Attorney Johnson gave the Board handouts of the draft easement, and homeowners' association; reviewed the applicant's request for waivers, and the driveway easements. Mr. McDonnell noted that Tromblay Court is similar to this proposal with the driveways close to each other. Attorney Johnson noted that the applicant is before the Zoning Board of Appeals (ZBA) for three variances, but the ZBA asked the applicant to file with the Planning Board first and request the waiver from the construction standards. Ms. Schwarz noted that sheet 1 of the plans show if the barn and addition were removed the subdivision could be built without waivers or variances. Attorney Johnson noted that parcel A will remain with lot 3 and no structures will be built on it. Ms. Schwarz continued to review her memo to the Board dated July 20, 2010 including the special permit for earth movement. She also noted that all

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earth movement will be contained within the site. Ms. Schwarz reviewed an e-mail from the abutter at 53 High Plain Rd. Robert Slauzis, 53 High Plain Road expressed concern regarding drainage; they reviewed an e-mail to the Board outlining their concerns and asked if the Board would visit the site. Scott Gibson, the applicant, stated the Board has his permission to go onto his property for a site walk and questioned what the appropriate width for the driveway was. Mr. Materazzo reviewed the comments from the IDR regarding the driveway width. Nancy Minigell of 36 High Plain Road expressed concerns regarding the type of home that will be built and whether it will be kept within the character of the neighborhood. The Inspector of Buildings, Kaija Gilmore noted that the Zoning By-law (ZBL) is silent of what type of home can be built as long as it conforms to the ZBL. The Board reviewed what is in the Board's purview. Ms. Schwarz noted that the subdivision control law controls what the Board can review. Ms. Gilmore noted that she is in favor of the waivers that the applicant has requested. Mr. Minigell asked if there are wells on the property and what affect it would have on the site. Mr. Gibson noted that he believes there is a well on property and he will look into it. Ms. Gilmore noted if wells exist on site it would be in the Board of Health's purview. Kathleen Serreno of 48 High Plain Road expressed concern that the driveway might be built out to a full cul-de-sac in the future. The Board asked what she would like to see there. Ms. Serreno stated she would like nothing built there but does not want full build out of the roadway. Ms. Schwarz noted that all three property owners would have to agree to build out the roadway. Attorney Johnson noted that a full build out of the roadway can be done however the applicant is requesting waivers from the construction standards. The Board agreed to conduct a site-walk on Aug. 10th at 7:00 pm. They want the center line of the roadway to the cul-de-sac and lot lines staked out prior to the site visit. Mr. Chiozzi noted that the board encourages less pavement but has to look at the subdivision as a whole. Mr. Gibson noted the ZBA wants to know that the roadway is not going to be moved. Mr. McDonnell stated that due to the constraints of the lots the roadway would not be moved but the Board does not design subdivisions. On a motion by Ms. Anderson seconded by Ms. Duff the board voted to continue the public hearings on an application by Scott Gibson for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with a 3-lot subdivision which consists of 2 existing lots that will be reconfigured to create a 3-lot subdivision (1 new lot created and two existing re delineated lots) entitled 39-47 High Plain Road until August 10 at 8:15 pm with items listed as "A" on the secretary's listed dated July 24, 2010 to be discussed. A second continued public hearing will be held on August 24, 2010 at 7:30 pm when all the other items on the secretary's list and any carryover items from the Aug. 10th meeting will be discussed. The Board further moved to conduct a site walk at 39-47 High Plain Rd. on Aug. 10th at 7:00 pm **Vote** Unanimous (4-0); after the vote Chairman Salafia returned to the meeting.

Merrimack Estates:

The Board took up the discussion that was continued from the July 13th meeting on a request to waive the construction of a sidewalk along River Road by the developer of Merrimack Estates and a new request to amend the Board's approval to allow for the issuance of Lot Clearance Certificates without the completion of the construction of the off-site sidewalk dated July 27, 2010. Kenneth Lania of K & M Land Consultants, LLC representing the applicant gave an

Merrimack Estates (cont.):

overview of the Board's last meeting and reviewed a new request to amend the Board's approval of the off-site sidewalk. Ms. Byerley reviewed her memo to the Board dated July 20, 2010 that included a petition from Verizon with a plan approved by the Selectmen dated Sept. 9, 1994 and DPW's comments stating the bollards can be removed if granite curbing was installed. Ms. Anderson questioned if they could move the sidewalk across the street. The Board reviewed the applicant's request to amend condition # 38 to allow for the issuance of Lot Clearance Certificates without the completion of the construction of the off-site sidewalk and asked which lots the applicant is looking to release. Mr. Lania noted they are looking to release lot 17, 18, 19, 20 & 22 and cannot release lot 21 until the sidewalk is constructed. The Board discussed the applicant's request and asked if Town Counsel has seen the applicant's request. Ms. Byerley noted that Town Counsel was given a copy of the packet and she has received no comments. On a motion by Ms. Anderson seconded by Mr. Chiozzi the Board voted to deny the applicant request to waive the requirement to construction a sidewalk along River Road by the developer of Merrimack Estates. **Vote** (3-2) Ms. Anderson, Mr. Chiozzi and Ms. Duff voting yes; and Mr. Salafia and Mr. McDonnell voting no.

The Board discussed the applicant's request to amend the Board's condition of approval condition # 38. Ms. Doherty of Juniper Road noted that before the Board amends conditions of approval they might want to check with the Bond Security. Ms. Byerley noted that lot number 24 is being conveyed to Melmark School and even though the Board denied the applicant's request, the applicant can submit another request. The Board took no action on the applicant's request to amend the Board's prior condition of approval # 38 to allow for the issuance of Lot Clearance Certificates without the completion of the construction of the off-site sidewalk dated July 27, 2010

Board Elections:

On a motion by Ms. Anderson seconded by Mr. Salafia the Board voted to elect Joan Duff as Chairman of the Planning Board which will be effective when the meeting adjourns. **Vote** Unanimous (5-0)

On a motion by Ms. Anderson seconded by Mr. Salafia the Board voted to re-elect Vincent Chiozzi as Vice Chairman of the Planning Board. **Vote** Unanimous (5-0)

On a motion by Mr. Salafia seconded by Ms. Duff the Board voted that Ms. Anderson continue her duties as secretary of the Board. **Vote** Unanimous (5-0)

Adjournment: The Board voted to adjourn the meeting at 9:25 p.m.